

ENTERED

January 04, 2023

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

CAROL KRAEMER,	§	
	§	
V.	§	CIVIL ACTION NO. 3:22-cv-00157
	§	
RCLOFT, LLC, <i>et al.</i>	§	

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

On September 12, 2022, the court referred all pretrial matters in this case to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1)(A)-(B). *See* Dkt. 31. Judge Edison filed a memorandum and recommendation on December 9, 2022, recommending that defendant Calco, LLC's motion to dismiss due to a lack of personal jurisdiction, Dkt. 17, be granted. *See* Dkt. 37. Separately, Judge Edison filed a memorandum and recommendation on December 19, 2022, recommending that Defendant Cassandra A. Lapaseotes's motion to dismiss for failure to state a claim, Dkt. 18, be granted. *See* Dkt. 38.


No objections have been filed to either memorandum and recommendation. Accordingly, the court reviews them both for plain error on the face of the record. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Based on the pleadings, the record, and the applicable law, the court finds that there is no plain error apparent from the face of the record.

Accordingly:

- (1) Judge Edison's memorandum and recommendation, Dkt. 37, is approved and adopted in its entirety as the holding of the court;
- (2) Judge Edison's memorandum and recommendation, Dkt. 38, is approved and adopted in its entirety as the holding of the court;
- (3) Calco, LLC's motion to dismiss due to a lack of personal jurisdiction, Dkt. 17, is granted;
- (4) Lapaseotes's motion to dismiss for failure to state a claim, Dkt. 18, is granted; and
- (5) Calco, LLC's motion to dismiss due to plaintiff failing to state a claim upon which relief can be granted, Dkt. 19, is denied a moot.

SIGNED on Galveston Island this 4th day of January, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE